

cess, or in reference to the character of the corporation to be affected by it.

**427** \* I can, therefore, feel myself at liberty to make no other alteration than to settle the amount in reference to the present value of money, and to declare, that upon the first *distringas* to compel an appearance or answer, the sheriff shall take issues or personal property of the corporation, to the amount of twenty dollars; and upon the *alias distringas* he shall levy forty dollars; and on the *pluries distringas* he shall distrain the whole of the personal estate, together with the rents and profits of the lands. *East India Company's Case*, 1 Salk. 191.

If it shall be ascertained by the return of all these successive writs, that the corporation has no property upon which a *distringas* may be levied, or which can be taken under a sequestration, then the bill may be taken *pro confesso*, and the plaintiff may obtain relief accordingly; *Salmon v. The Hamborough Company*, 1 Ca. Chan. 204; *Curson v. African Company*, 1 Vern. 121; or if, having no property, or after all its property has been sequestered, it still stands out, and refuses to appear and answer, then, according to what seems to be the better and more reasonable opinion, the plaintiff may have an attachment against the members; or, at least, those of them who have been duly summoned, or served with a subpoena, and thus notified of the institution of the suit. *Rex v. Gardner*, Cowp. 85; *London v. Lynn*, 1 H. Blac. 206.

If, after a decree, the corporation neglects to comply therewith, upon being served with a copy of it according to the ancient practice; 2 *Mad. Pr. Chan.* 466; as recognized by the Act of Assembly; 1785, ch. 72, s. 25; now dispensed with; 1818, ch. 193, s. 4; the plaintiff may obtain a *distringas* to enforce obedience to it; and after the return of the first writ of *distringas*, he may have a sequestration; *Harvey v. East India Company*, 2 Vern. 395; *S. C. Prec. Chan.* 129; *Com. Dig. tit. Franchises, F*, 19; and if the sheriff returns, that the body politic has nothing upon which the *distringas* can be levied, then the members of the corporation may be attached, or such other proceeding had according to the nature of the case, and having a proper regard to the extent of the liability of the members of the body politic, as may be deemed proper and lawful. 2 *Mad. Pr. Chan.* 466; *Salmon v. The Hamborough Company*, 1 Cha. Cas. 204; *Adley v. The Whitestable Company*, 17 Ves. 324; *S. C.* 1 *Meriv.* 107.

Whereupon it is ordered, that a writ of *distringas* be issued as prayed by the said petition of the plaintiffs, which writ is hereby directed to be endorsed and levied as above prescribed.

**428** \* Soon after which the President and Directors of the Franklin Bank of Baltimore, put in their answer, in which, as before, they admitted that a certain sum of money had been de-